

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

CORAM

THE HON'BLE MR. JUSTICE C.T. SELVAM

Crl.R.C.No.1151 of 2016

and

Crl.M.P.No.10078 of 2016

1. Kanthamani
2. Balakrishnan
3. Chinnu Gounder ... Petitioners/Respondents 2 to 4/
Accused 1 to 3

Vs.

1. The State by
The Inspector of Police,
Panamarathupatti Police Station,
..Respondent/Complainant
2. A.Kulandaisamy ..2nd Respondent/
Defacto Complainant
3. K.Madeshwaran
4. A.Kuppan
5. K.Annamalai
6. K.Andiyappan
7. K.Kulandaisamy
8. N.Kuppan
9. A.Elaiyan
10. A.Kulandaisamy
11. K.Selvam
12. K.Kuppusamy
13. K.Andi ...Respondents 3 to 13/
Petitioners 2 to 12

Prayer:- Petition filed under Section 397(1) and 401 (1) of Cr.P.C. to call for the records and set aside the anticipatory bail cancellation order dated 16.09.2016 passed in Crl.M.P.No.2904 of 2016, on the file of the Principal Sessions Judge, Salem, in Crime No.102 of 2016 on the file of the Inspector of Police, Panamarathupatti Police Station, Salem District.

For Petitioners: Mr.B.Vasudevan

For Respondents: Mr.M.Mohamed Riyas
Government Advocate (Crl.side) [R1]
Mr.K.Srinivas [R2 to R7 and R9 to R13]
No appearance [R8]

O R D E R

This revision challenges the order of learned Principal Sessions Judge, Salem, passed in Crl.M.P.No.2904 of 2016 dated 16.09.2016.

2. Heard learned counsel for petitioner, learned Government Advocate [Crl.side] for first respondent and learned counsel for respondents 2 to 7 and 9 to 13. There is no appearance for eighth respondent.

3. Petitioners have been granted anticipatory bail under orders in Crl.M.P.No.2577 of 2016 dated 01.08.2016. Respondents 2 to 13, persons who claim right over a pathway, had sought cancellation thereof. It is brought to notice that a suit regards the pathway is pending in O.S.No.209 of 2016 on the file of District Munsif Court, Salem.

4. Conditions imposed while granting anticipatory bail to petitioners are as follows:

"that the petitioners shall appear and sign before the respondent police daily at 5:00 p.m. until further orders and on further condition that they shall make available themselves for interrogation as and when required by the investigation officer;

that the petitioners shall not hamper the investigation and tamper the witnesses during the time on anticipatory bail".

5. The order of cancellation of bail informs thus:

"On perusal of the documents and photos relied upon by the petitioners, it is clear that the respondents 2 to 4 were giving trouble to the public from using the pathway and subsequent to the grant of anticipatory bail to the respondents 2 to 4 also, they have obstructed the pathway by putting stones in the pathway and indirectly the respondents 2 to 4 have tampered the witnesses and

violated the condition imposed by this Court and hence it is the fit case to cancel the anticipatory bail granted to the respondents 2 to 4".

6. The order under challenge directly does not inform any violation by petitioners of conditions imposed in grant of anticipatory bail. On the face of it, the order under challenge is most presumptuous. If the rival party is to place stones on the pathway and cause photographs to inform wrong doing by petitioners, is Court below to cancel the anticipatory bail earlier granted ? As oft stated, bail once granted is not to be easily undone and considerations for grant of bail and cancellation thereof totally are different.

This Criminal Revision Petition is allowed. The order of learned Principal Sessions Judge, Salem, passed in Crl.M.P.No.2904 of 2016 dated 16.09.2016, is set aside. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

dpq

To

1.The Inspector of Police,
Panamarathupatti Police Station.

2.The Principal Sessions Judge,
Salem.

3.The Public Prosecutor,
High Court, Madras.

scd(co)
ss(4/7/2017)

Crl.R.C.No. 1151 of 2016

WEB COPY